

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

In the Matter of Application 18305)
of Alvin H. and Margaret E. Kissick)
to Appropriate from Bear Creek in)
San Joaquin County)

Decision No. D 962

ADOPTED APR 18 '60

DECISION APPROVING APPLICATION

Alvin H. and Margaret E. Kissick having filed Application 18305 for a permit to appropriate unappropriated water; a protest having been received; the applicants and protestants having stipulated to proceedings in lieu of hearing as provided for under Section 737 of the California Administrative Code, Title 23, Waters; and an investigation having been made by the State Water Rights Board pursuant to said stipulations; the Board now being fully advised in the premises finds as follows:

1. Application 18305 is for a permit to appropriate 0.1 cubic foot per second from Bear Creek in San Joaquin County between April 1 and October 31 of each year for irrigation within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, T3N, R7E, MDB&M.

2. A natural land barrier exists in the stream channel about 1,500 feet below the proposed point of diversion which prevents small flows from reaching downstream prior appropriators. Rarely during the months of May through October and only part of the

time during April is the stream flow of Bear Creek at the applicants' point of diversion sufficient to reach the protestants.

3. There is unappropriated water available to supply the applicants, and such water may be diverted and used in the manner proposed without causing substantial injury to any lawful user of water.

4. The construction work in connection with the applicants' project was completed in 1952.

5. The intended use is beneficial.

From the foregoing findings, the Board concludes that Application 18305 should be approved and that a permit should be issued to the applicants subject to the terms and conditions set forth in the following Order.

The records, documents, and other data relied upon in determining the matter are: Application 18305 and all relevant information on file therewith, particularly the report of the field investigation made August 11, 1959; United States Geological Survey quadrangles "Valley Springs" of the 15-minute series, "Clements", "Lockeford", and "Waterloo", all of the 7.5-minute series; United States Geological Survey, Surface Water Supply, Part 11, "Pacific Slope Basins in California", with particular reference to "Bear Creek near Lockeford".

IT IS HEREBY ORDERED that Application 18305 be, and the same is, approved and that a permit be issued to the applicants subject to vested rights and to the following terms and conditions:

1. The amount of water to be appropriated shall be limited to the amount which can be beneficially used and shall not exceed 0.1 cubic foot per second to be diverted between about April 1 and about October 31 of each year.

The equivalent of such continuous flow allowance for any thirty-day period may be diverted in a shorter time if there be no interference with vested rights.

2. The maximum amount herein stated may be reduced in the license if investigation warrants.

3. Complete application of the water to the proposed use shall be made on or before December 1, 1961.

4. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued.

5. All rights and privileges under this permit, including method of diversion, method of use, and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of

the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

Adopted as the decision and order of the State Water Rights Board at a meeting duly called and held at _____, California, on the _____ day of _____, 1960.

Kent Silverthorne, Chairman

W. P. Rowe, Member

Ralph J. McGill, Member